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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,919	01/14/2004	Yen-Fu Chen	AUS920031038US1	3766

35525 7590 05/05/2008

IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER	
ABDI, AMARA	

ART UNIT	PAPER NUMBER
2624	

NOTIFICATION DATE	DELIVERY MODE
05/05/2008	ELECTRONIC

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/756,919
Filing Date: January 14, 2004
Appellant(s): CHEN ET AL.

Brandon G. Williams (Reg. No. 48,844)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/16/2008 appealing from the Office action mailed 06/19/2007.

(1) Real Party in Interest:

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences:

The Examiner is not aware of any related appeals, Interferences, or judicial proceeding which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims:

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments after Final:

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter:

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal:

The appellant's statement of the ground of rejection to be reviewed on appeal is correct.

(7) Claim Appendix:

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon:

1. Ito et al. (US 6,694,056)
2. Izumi (US-PGPUB 2003/0099398).

(9) Ground of Rejection:

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. The claimed invention is directed to non-statutory subject matter. Claims 1 and 10-15 are rejected.

In claim 1, "**the computer**" should be deleted to be statutory subject matter; and in claims 10-15, "**a computer program product in a recordable-type medium**" must be "A computer readable medium" encoded with "a computer program" to be statutory subject matter.

Claims 10-15, as written, recite a "computer program product in recordable-type medium" is directed to non-statutory subject matter. The claims do not define a computer-readable medium or memory and are thus non-statutory subject matter. The scope of the claims "computer program product in recordable-type medium" can range from paper on which the program is written, to a program simply contemplated and memorized by a person.

In addition, Applicant describes the medium in the specification as a "signal", which is directed to non-statutory subject matter, because it does not fall within one of

the four statutory classes § 101. Rather, "signal" is a form of energy, in the absence of any physical structure or tangible material.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1-4, and 6-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al. (US 6,694,056).

(1) Regarding claim 1:

As shown in figures 15,16 and 17, Ito et al. disclose a method for performing handwriting recognition (column 1, line 12) for handwritten characters of a language (column 1, line 12-15) having character stroke order rules (column 1, line 16-18), the method comprising the computer (column 1, line 13-14) implemented steps of:

storing a plurality of respective reference parameter sets character (set of stroke information) in a reference character dictionary (102 in figure 17, column 13, line 29-33), wherein each of the plurality of respective reference parameter sets corresponds to a reference character stroke (character 703 in Fig. 7) of a reference character (column 2, line 2-3), wherein each of the plurality of respective reference parameter sets (set of

stroke information) has an associated reference sequence number (705 in Fig. 7, column 8, line 15-19).

receiving a stroke parameter set (handwritten Character) derived from user input of a handwritten stroke (column 12, line 11-16), wherein the handwritten stroke is one of a plurality of strokes required for writing a character (column 2, line 8-9);

identifying a stroke sequence number (the stroke number) (3101 in Fig. 31) of the stroke parameter set (column 16, line 43-50)

responsive to identifying the stroke sequence number (column 12, line 57-65), comparing the stroke parameter set (the obtained stroke information or the stroke information) with at least those of the plurality of responsive reference parameter sets (set of stroke information stored in dictionary or standard stroke information) having their associated reference sequence number equal to the stroke sequence number (column 12, line 16-22 and column 18, line 33), wherein the comparing excludes at least one of the plurality of respective reference parameter sets (108 in figure 1; column 2, line 38-46), (the term exclude is read as ignoring).

(2) Regarding claim 2:

Ito et al. disclose the step of storing includes:

Maintaining each of the plurality of respective reference parameter sets in a plurality of respective field of a table (column 8, line 29-32), (the plurality of fields of a tables is read as area information) wherein the stroke sequence number is derived from one of the plurality of respective fields (column 9, line 17-20).

(3) Regarding claim 3:

Ito et al. disclose the method, where the step of identifying includes:

Incrementing a counter value on receipt of the stroke parameter set (column 10, line 34-35), (the term incrementing is read as "adding"), the counter value corresponding to the stroke sequence number (column 10, line 25-29).

(4) Regarding claim 4:

Ito et al. disclose the method, where the step of comparing further includes:

excluding each of the plurality of respective reference parameter sets (column 2, line 44), where the associated reference sequence number for each of the plurality of respective reference parameter sets excluded is not equal to the stroke sequence number (column 10, line 54-59), (the examiner interpreted that the stroke information contains the plurality of reference parameters, also the examiner interpreted that when the reference parameter set having an associated reference sequence number that is different then the stroke sequence number indicates a poor much, as result it will be excluded (ignore) from the search target)

(5) Regarding claim 6:

Ito et al. disclose the method, where the step of comparing further includes:

Comparing with the stroke parameter set at least one of the plurality of respective reference parameter sets (column 2, line 12-14), where the associated reference sequence number is within one increment of the stroke sequence number (column 12, line 57-67).

(6) Regarding claim 7:

Ito et al. disclose the method, where the step of storing includes:

Storing the respective reference parameter sets of a plurality of characters in the reference character dictionary (column 7, line 60-61; and column 8, line 23-25)

(7) Regarding claim 8:

Ito et al. disclose the method, where each of the respective reference parameter sets of the plurality of characters is stored in one of a plurality of respective records of the reference character dictionary (column 7, line 60-61), and where each of the plurality of respective records includes a data element value equal to a number of constituent strokes of the reference character (column 12, line 59-65).

(8) Regarding claim 9:

Ito et al. disclose the method further including:

excluding from the comparing step, at least one of the plurality of respective reference parameter sets of at least one of the plurality of respective records (column 2, line 44), where the data element value of the plurality of respective reference parameter sets excluded is less than the stroke sequence number (column 10, line 54-59), (the examiner interpreted that when the reference parameter set having an associated reference sequence number that is different then the stroke sequence number indicates a poor much, as result it will be excluded (ignore) from the search target).

(9) Regarding claim 10:

Ito et al. disclose a computer program product in a recordable-type medium for performing handwriting recognition (column 1, line 12-16) of a language having character stroke order rules (column 1, line 16-18) comprising:

A reference character dictionary including a first record defining a reference character (102 in figure 17, column 13, line 29-33), the first record including a plurality of reference parameter sets (set of stroke information) (column 2, line 1-2), each of the plurality of reference parameter sets respectively defining stroke attributes of a stroke of a reference character (703 in Fig. 7, column 2, line 2-3), each of the plurality of reference parameter sets being associated with a reference sequence number (705 in Fig. 7, column 8, line 15-19);

First Instruction for receiving a stroke parameter set (handwritten character) derived from a first handwritten character stroke (column 12, line 11-16) and for identifying a stroke sequence number (the stroke number) (3101 in Fig. 31) in which the first handwritten character stroke was input by the user (column 16, line 43-50);

Second instruction, responsive to identifying the stroke sequence number (column 12, line 57-65), for comparing the stroke parameter set (the obtained stroke information or the stroke information) with at least one of the plurality of reference parameter sets (set of stroke information stored in dictionary or standard stroke information) wherein the reference sequence number of the plurality of reference parameter sets compared is equal to the stroke sequence number (column 12, line 16-22 and column 18, line 33), and

Third instruction for excluding at least one of the plurality of reference parameter set from the comparison step wherein the reference sequence number of the plurality of reference parameter sets excluded is not equal to the stroke sequence number (108 in figure 1; column 2, line 38-39), (the term exclude is read as ignoring.

(10) Regarding claim 11:

Ito et al. disclose the computer program product (column 1, line 12-16), where each of the plurality of reference parameter (see the Abstract, and column 2, line 1-2) sets is stored in one of a plurality of respective fields of the reference character dictionary (column 13, line 29-33), the reference sequence number determined by one of the plurality of respective fields (column 13, line 61-63), (the reference sequence number is read as the stroke number).

(11) Regarding claim 12:

Ito et al. disclose the computer program product (column 1, line 12-16), where the first instruction identify at least one of the plurality of reference parameter sets (column 7, line 61), where the associated reference sequence number of the at least one reference parameter identified set (column 13, line 61-63) has a value within one increment of the stroke sequence number (column 10, line 34-35), and where the second instruction compare the stroke parameter set with the at least one reference parameter set identified (column 2, line 12-14).

(12) Regarding claim 13:

Ito et al. disclose the computer program product (column 1, line 12-16), where the first record includes a data element value specifying a number of constituent strokes

of the reference character (column 8, line 8-11), (the data element value is read as a stroke information).

(13) Regarding claim 14:

Ito et al. disclose the computer program product (column 1, line 12-16), where the reference character dictionary includes a second record having at least one second reference parameter set defining attributes of a second handwriting character stroke of a second reference character (column 2, line 2-3), (the examiner interpreted the defining of a second handwriting stroke as the same concept as the defining of the first handwriting stroke) and a data element value specifying a number of constituent strokes of the second reference character (column 8, line 8-11), where the third instructions, responsive to a determination that the number of constituent strokes of the second reference character is less than the stroke sequence number (column 12, line 49-54), exclude the second reference parameter set of the second record from the comparison step (column 2, line 38-39).

(14) Regarding claim 15:

Ito et al. disclose the computer program product (column 1, line 12-16), where the first instructions, responsive to receiving the stroke parameter set (column 12, line 11-16), increment a counter that identifies the stroke sequence number (column 10, line 34-35), (the term incrementing is read as “adding”).

(15) Regarding claim 16:

Ito et al. disclose a data processing system (column 1, line 61) comprising:

A reference character dictionary including a record having a plurality of reference parameter sets (set of stroke information) (column 2, line 1-2), each defining reference attributes of a respective stroke of a reference character (703 in Fig. 7, column 2, line 2-3), each of the plurality of reference parameter sets having an associated reference sequence number (705 in Fig. 7, column 8, line 15-19)

A memory that contains a set of instructions (column 1, line 63-65), (the examiner interpreted that it's inherent for the system to contain a memory since it has a computer-readable storage medium); and

A processing unit (109 in figure 1; column 12, line 4), (the processing unit is read as the word detecting unit), responsive to executing the set of instructions, for receiving a stroke parameter set (handwritten character) describing handwriting attributes of a handwritten stroke (column 12, line 11-16), and for determining a stroke sequence number (the stroke number) (3101 in Fig. 31) in which the handwritten stroke was input (column 8, line 15-19), responsive to determining the stroke sequence number (column 12, line 57-65), comparing the stroke parameter set (the obtained stroke information or standard stroke information) with at least one of the plurality of reference parameter sets (set of stroke information stored in dictionary or standard stroke information) where the associated reference sequence number of at least one of the plurality of reference parameter sets is equal to the stroke sequence number (column 12, line 16-22 and column 18, line 33), the comparing step excluding at least one of the plurality of reference parameter sets where the associated reference sequence number is not equal to the stroke sequence number (column 2, line 38-46).

(16) Regarding claim 17:

Ito et al. disclose a data processing system (column 1, line 61), where the plurality of reference parameter sets are maintained in fields of a table (column 8, line 29-32), (the plurality of fields of a tables is read as area information), the set of instructions determining the associated reference sequence number of at least one of the plurality of reference parameter sets by the fields of the table in which the plurality of reference parameter sets are maintained (column 8, line 18-20).

(17) Regarding claim 18:

Ito et al. disclose a data processing system (column 1, line 61), where the set of instructions are adapted to identify at least one of the plurality of reference parameter sets (column 7, line 61), where the reference sequence number of the at least one reference parameter set identified is within a predefined value of the stroke sequence number, and responsive to identifying at least one of the plurality of reference parameter sets (column 10, line 34-35), compare the stroke parameter set with the at least one of the plurality of reference parameter sets identified (column 2, line 12-14).

(18) Regarding claim 19:

Ito et al. disclose a data processing system (column 1, line 61), where the reference character dictionary includes a second record having a data element value indicating number of constituent strokes of a second reference character (column 2, line 2-3), (the examiner interpreted the defining of a second handwriting stroke as the same concept as the defining of the first handwriting stroke), the second record further having at least one second reference parameter set (column 8, line 8-11), the set of

instructions, responsive to determining the data element value is less than the stroke sequence number (column 12, line 49-54), excluding the at least one second reference parameter set of the second record from the comparing step (column 2, line 38-39).

(19) Regarding claim 20:

Ito et al. disclose a data processing system (column 1, line 61), where the record includes a data element value indicating a number of constituent strokes of the reference character (column 8, line 8-11), the set of instructions, responsive to reading the data element value (column 8, line 8-11), determining at least one of the plurality of reference parameter sets (column 2, line 1-2) to exclude from the comparing step dependent on the data element value (column 2, line 38-39).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al. in view Izumi (US 2003/0099398).

Ito et al. disclose all the subject matter as described in claim 1 above.

Ito et al. does not explicitly mention the receiving of indication that the user has knowledge of the character recognition.

Izumi, in analogous environment, teaches character recognition apparatus and method, where a user has knowledge of the stroke order, indicating the user's knowledge of the stroke order rules (paragraph [0052], line 1-11)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the handwriting method of Izumi, where the user has knowledge of the character stroke order rules, in the system of Ito et al. in order to provide a character recognition method capable of inputting a pictorial symbol made up of a plurality of character with an improved efficiency (paragraph [0012], line 1-4).

(10) Response to Argument:

(A) The following discussion relates to the rejection of claims 1, and 10-15 under 35 U.S.C. § 101.

(A.1) Appellant's Argument---- The appellant argues that the Examiner has clearly, and mistakenly, found Appellants claim 1 nonstatutory for the sole reason that the method is a computer implemented method. By stating that the method can be made statutory by the simple detection of the term "computer" from the claims, it is clear that the Examiner has drawn an improper distinction, in direct contravention of the teaching of *In re Gelnovatch, In re Johnson, In re Chatfield, and In re Dieher and Lutton*.

Examiner's Response----The Examiner agree with the Appellant's argument, therefore, the rejection of claim 1 under 35 U.S.C. § 101 is withdrawn.

(A.2) Appellant's Argument---- The appellant argues that claims 10-15, as written, recites a "computer program product in a recordable-type medium…" A recordable-type medium is defined clearly to be a computer readable media. However, unlike the computer readable media as defined in the specification, recordable-type media exclude computer programs encoded in non-statutory signals.

Examiner's Response----The Examiner respectfully disagree with the Appellant's arguments due to the following reason:

1. Claims 10-15, as written, recites a "computer program product in recordable-type medium" is directed to non-statutory subject matter. The claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized"-Guidelines Annex IV). That is, the scope of the present claimed "computer program product in recordable-type medium" can range from paper on which the program is written, to a program simply contemplated and memorized by a person.

2. The Appellants have defined the terms "recordable-type media" and "computer readable media" in the specification as fellows:

[0103]….the present invention applies equally regardless of the particular **type of signal** bearing media actually used to carry out the distribution…."

defining the terms recordable-type media" and "computer readable media" in the specification" is directed to non-statutory subject matter. While "functional descriptive material" may be claimed as a statutory product (i.e., a "manufacture") when embodied on a tangible computer readable medium, a "signal" embodying that same functional descriptive material is neither a process nor a product (i.e., a tangible "thing") and therefore does not fall within one of the four statutory classes § 101. Rather, "signal" is a form of energy, in the absence of any physical structure or tangible material.

3. Therefore, as discussed in (10) Response to Arguments, Examiner Response, sections 1. and 2., claims 10-15 are directed to non-statutory subject matter, and the rejection of claims 10-15 under 35 U.S.C § 101 is proper.

(B) The following discussion relates to the rejection of claims 1-4 and 6-20 under 35 U.S.C § 102 (e) as anticipated by Ito et al., Character Input Apparatus/ Method and Computer-Readable storage Medium, U.S Patent No. 6,694,056 (February 17, 2004).

(B.1) Regarding Claims 1-4 and 6-9:

1. Appellant's Argument---- The appellant argues (Page 14-15 of the Appeal Brief) that Ito does not teach a Reference Sequence Number as recited in claim 1. Ito's stroke dictionary contains reference characters, similar to those recited by the Applicants. However, the stroke number recited in Ito's stroke dictionary is not the Applicant's stroke sequence number. That is, Ito does anticipate claim 1 because Ito does not teach the claimed feature of: "wherein each of the plurality of respective

reference parameter sets corresponding to the reference character stroke has an associated reference sequence number...". The Appellant further argues (Page 15 of Appeal Brief) that because a reference sequence number, as defined by the Applicants, necessarily includes a "proper stroke number of a stroke sequence for writing a character according to an accepted stroke order rule," the character number of Ito cannot be the Applicant's reference sequence number. Because Ito's character number does not read on the Applicant's reference sequence number' Ito cannot properly anticipate the rejected claims. Therefore, the Examiner's rejection of claims 1-4 and 6-9 under 35 U.S.C § 102 as anticipated by Ito is improper, and should be overturned.

Examiner's Response----The Examiner respectfully disagree with the Appellant's argument due to the following reason:

a. Ito et al. clearly indicates the Reference Sequence Number in (Figure 7, 705), where for Example the elements (S0) of stroke 1 clearly represents the order of stroke which is clearly the same as the Reference Sequence Number of Stroke 1. Column 8, lines 15-19 states: "The character dictionary 102 shows Japanese katakana characters and includes character number 702 for identifying character, characters 703 for showing the corresponding characters, numbers of stroke 704 that constitutes characters, **and order of strokes 705. Stroke numbers are used for identifying strokes**". Therefore, a reference sequence number (S0), as defined by the Applicants, necessarily includes a proper stroke number (702 in Fig. 7) of a stroke sequence for writing a character (703 in Fig. 7) according to an accepted stroke order rule (705 in Fig. 7), therefore, Ito et al. clearly anticipate the limitation: "wherein each of the plurality of respective reference

parameter sets (set of stroke information) has an associated reference sequence number (705 in Fig. 7).

b. Therefore, independent claim 1 still not in condition of allowance.

2. Appellant's Argument---- The appellant argues (Page 16 of the Appeal of Brief) that the cited passage does not teach comparing a stroke parameter set with a reference parameter set. Claim 1 recites the claim feature of "comparing the stroke parameter set with at least those of the plurality of respective reference parameter sets having their associated reference sequence number equal to the stroke sequence number, wherein the comparison excludes at least one of the reference parameter sets". In the cited passage, the Appellants are comparing a stroke parameter set-not a combination of stroke candidates as per Ito- to a reference parameter set- not an order of strokes, again as per Ito.

Examiner's Response----The Examiner respectfully disagree with the Appellant's argument due to the following reason:

a. As shown in Fig. 34, Step 3406) Ito et al. clearly teaches the comparing of a stroke parameter set (the obtained stroke information or the stroke information) with a reference parameter set (set of stroke information stored in dictionary). Column 18, line 34-42) states: "...**the stroke matching unit 3004 compares the obtained stroke information with each set of stroke information in the extended stroke dictionary 3001**...". Thus, the stroke parameter set represents clearly the obtained stroke information, and the reference parameters set clearly represents the set of stroke

information stored in dictionary. Regarding the following limitation: "wherein the comparison excludes at least one of the reference parameter sets", Ito et al. clearly mentioned the ignoring (excluding) of stroke candidates (reference parameter sets) with the evaluation value showing a poor much. Column 2, line 37-46 states: "a character candidate detecting unit operable **to ignore stroke candidates with the evaluation value showing a poor match and detect character candidates using the remaining stroke candidates**; and a correct character detecting unit operable to detect a correct character out of the detected character candidates. **With this construction, stroke candidates with low recognition level are ignored in a process of detecting character candidates, which increases efficiency for the detecting of character candidates**".

b. Therefore, independent claim 1 still not in condition of allowance

3. Appellant's Argument---- The appellant argues (Page 17 of Appeal of Brief) that Ito does not teach equating a reference sequence number to a stroke sequence number. The Appellant states: "Because Ito's stroke number cannot logically be equal to Ito's "order of strokes", Ito cannot anticipate Applicant's claim 1 feature of: "comparing the stroke parameter set with at least those of the plurality of respective reference parameter sets having their associated reference sequence number equal to the stroke sequence number".

Examiner's Response----The Examiner respectfully disagree with the Appellant's argument due to the following reason:

a. As shown in Fig. 34, Ito et al. clearly teach the equating of a reference sequence number to a stroke sequence number. Thus, the judging of whether the stroke is a first stroke of a character or not is clearly equivalent to the comparing whether the reference sequence number is equal to the stroke sequence number or not, by using the stroke matching unit (3004 in Fig. 30). Column 18, line 24-32, states: "**The stroke matching unit 3004** finds stroke information for the coordinate string, and **judges whether the stroke is a first stroke of a character (S3404). If the stroke is judged to be a first stroke, the stroke matching unit 3004 compares the obtained stroke information with each set of stroke information where the first flag in the extended stroke dictionary 3001 is set at "1"**, detects stroke candidates for the stroke, and notifies the overlap-based character detecting unit 3005 of the stroke candidates together with the evaluation values (S3406)".

b. Therefore, independent claim 1 still not in condition of allowance

4. Therefore, as discussed in (10) Response to Arguments, section (B), Examiner Response, sections 1., 2., and 3, the prior art reference of Ito et al. teaches all the claim limitations, therefore, the rejection of claims 1-4 and 6-9 under 35 U.S.C § 102 (e) is proper.

(B.2) Regarding claims 10-15:

Claims 10-15 recite a computer program product in a recordable-type medium corresponding to the method of claims 1-9. Claims 10-15 recite similar features to those found in claims 1-9. Therefore, as discussed in (10) Response to Arguments, section

(B), Examiner Response, sections 1., 2., and 3, the prior art reference of Ito et al. teaches all the claim limitations, therefore, the rejection of claims 10-15 under 35 U.S.C § 102 (e) is proper.

(B.3) Regarding claims 16-20:

Claims 16-20 recite a data processing system corresponding to the method of claims 1-9. Claims 16-20 recite similar features to those found in claims 1-9. Therefore, as discussed in (10) Response to Arguments, section (B), Examiner Response, sections 1., 2., and 3, the prior art reference of Ito et al. teaches all the claim limitations, therefore, the rejection of claims 16-20 under 35 U.S.C § 102 (e) is proper.

(C) The following discussion relates to the rejection of claim 5 under 35 U.S.C § 103 as obvious over Ito in view of Izumi, Character Recognition Apparatus and Character Recognition Method, U.S Patent Publication No. 2003/0099398 (MAY 29, 2003).

(C.1) Appellant's Argument---- The appellant argues (Page 22 of Appeal of Brief) that the Examiner has mischaracterized the claimed feature of claim 5. The Examiner has interpreted claim 5 to claim “wherein the user has knowledge of the character stroke order rules”. This feature does not appear in the Applicant’s claim 5. Rather, claim 5 recites the feature of “receiving an indication that a user has knowledge of the character stroke order rules.” The cited section of Izumi does not receive any indication.

Rather the cited section of Izumi merely teaches that character can be recognized regardless of their input order.

Examiner's Response----The Examiner respectfully disagree with the Appellant's argument due to the following reason:

According to the specification **Page 33, line 15-17**, the Appellant has defined the limitation: "receiving an indication that a user has knowledge of the character stroke order rules" as "**a user is able to provide an input at the client indicating the user's stroke order knowledge**".

Page 13, line 14-16 of the specification states: "**A pointing device such as mouse 109 is connected with adapter 320 and enables supply of pointer input to system 300 by a user**".

According the specification, Page 33, line 15-17 and Page 13, line 14-16 the limitation: "receiving an indication that a user has knowledge of the character stroke order rules" clearly means that a user has knowledge of the stroke order, and using a pointing device such as a mouse indicating to the client the user's knowledge of the stroke order rules by using an icon on the displayed screen.

Izumi clearly shows that a user has knowledge of the stroke order (paragraph [0052], line 1-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ito et al. using Izumi by including the receiving of an indication that a user has knowledge of the character stroke order rules in order to

provide a character recognition method capable of inputting a pictorial symbol made up of a plurality of character with an improved efficiency.

(C.2) Appellant's Argument---- The appellant argues (Page 23 of Appeal of Brief) that Izumi does not teaches the features of claim 5. And the Examiner has not cited any reference that actually teaches the feature of claim 5. Therefore, the Examiner rejection of claim 5 under U.S.C 103 as obvious over Ito in view of Izumi is improper and should be overturned.

Examiner's Response----The Examiner respectfully disagree with the Appellant's argument due to the following reason:

a. As discussed above, although Ito et al. does not teach the receiving an indication that a user has knowledge of the character stroke order rules, Izumi teaches that a user using a pointing device such as a mouse indicating to the client the user's knowledge of the stroke order rules by using an icon on the displayed screen.

b. In addition, KSR forecloses the arguments that "all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention" (*Adapted from Anderson's Black Rock Inc. v. Pavement Salvage Co*).

c. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ito et al. using Izumi by including the receiving of

an indication that a user has knowledge of the character stroke order rules in order to provide a character recognition method capable of inputting a pictorial symbol made up of a plurality of character with an improved efficiency.

d. Therefore, the rejection of claim 5, as obvious over Ito in view of Izumi is proper and claim 5 still not in condition of allowance.

(C.3) Appellant's Argument---- The appellant argues (Page 23 of Appeal Brief) that claim 5 is allowable based on its dependence from claim 1.

Examiner's Response----The Examiner respectfully disagree with the Appellant's argument due to the following reason:

a. As discussed above, Ito et al. disclose all the features of claim 1.

Izumi discloses the receiving an indication that a user has knowledge of the character stroke order rules. And both of Ito et al. and Izumi deal with the handwriting recognition for handwritten character that means the two references, are in analogous art. Therefore, the combination of Ito et al. and Izumi is proper. In addition the KSR states: "all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention" (*Adapted from Anderson's Black Rock Inc. v. Pavement Salvage C0.*)

b. Therefore, the rejection of claim 5, as obvious over Ito in view of Izumi is proper and claim 5 still not in condition of allowance.

(11) Related Proceeding(s) Appendix:

No decision rendered by a court or the Board is identified by the Examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reason, it is believed that the rejection should be sustained.

Respectfully submitted,

Amara Abdi

Patent Examiner

/Amara Abdi/

Examiner, Art Unit 2624

Conferees:

Matthew Bella

/Matthew C Bella/

Supervisory Patent Examiner, Art Unit 2624

Jingge Wu

/Jingge Wu/

Supervisory Patent Examiner, Art Unit 2624